

REMARKS

Applicant respectfully requests reconsideration of the reissue application.

The Examiner contends that the reissue declaration is defective for failing to identify at least one error relied upon to support the reissue application. Claims 1-18 are rejected under 35 U.S.C. Section 251 as being based upon a defective reissue application.

Claims 1-18 are also rejected under 35 U.S.C. Section 251 as being based upon alleged new matter.

The reissue declaration clearly identifies at least one error relied upon to support the reissue application. The following are listed as representing at least one error upon which reissue is based at the top of page 2 of the declaration:

1. Correction of the priority claim to change improper reference of 08/598,083 to 08/508,083;
2. Correction of the priority claim to add reference to 08/512,993; and
3. Change of "the pixel domain" to "a pixel domain" in claims 3 and 12.

Therefore, the declaration is not defective.

As noted in the remarks previously filed, the above-listed changes to the priority claim are clearly a proper ground for a reissue application under *Sampson v. Comm'r of Pat.*, 195 U.S.P.Q. 136 (D.D.C. 1976) and MPEP 1402.

Moreover, the change to claims 3 and 12 provide an alternative ground for the reissue application.

Regarding the alleged new matter issue, Applicant is merely restoring the Appendix B source code originally filed with the application to the specification. The Appendix B source code listing was originally filed with U.S. Patent Application No. 08/649,419 in hard copy form, but this Appendix B was canceled from the specification during the examination of the application in an amendment after allowance filed on September 9, 1998. Applicant now seeks to restore Appendix B to the specification. Current USPTO rules require that source code listings be provided in electronic form. No new matter is being added because the electronic form of the source code is the same as the hard copy version originally filed with the '419 application. A declaration has been filed with this response to confirm that the source code listing of Appendix B on the CD-ROM filed with this reissue application is the same as the Appendix B source code filed with the '419 application. Also, for the

Examiner's convenience, a copy of the Appendix B source code from Applicant's copy of the '419 application as filed accompanies this response.

Finally, another error in column 1 of the patent has been discovered and corrected in the above amendment to the specification. Namely, the reference to U.S. Patent No. 5,778,783 should be 5,748,783.

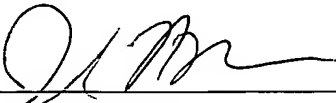
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Customer Number 23735

Telephone: 503-469-4800
FAX: 503-469-4777

Respectfully submitted,

DIGIMARC CORPORATION

By 
Joel R. Meyer
Registration No. 37,677